

## REMARKS/ARGUMENTS

Pending claims 1-3 and 5-9 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,650,831 (Farwell). Applicants respectfully traverse the rejection.

With regard to claim 1, Farwell does not disclose, at least, a digital graphics bus coupled to a receiver in a first housing and a digital display in a second housing to transmit processed video in a digital format from the first housing to the second housing. In this regard, the Office Action appears to contend that the video graphics adapter (VGA) bus of Farwell is a digital graphics bus. However, a VGA bus is not a digital bus, as a VGA bus instead transmits analog data. Farwell, col. 11, lns. 34-36. Accordingly, for at least this reason claim 1 and claims 2-3 and 5-9 depending therefrom are patentable over Farwell.

Pending claims 4, 11, 13-21 and 29-31 stand rejected under 35 U.S.C. §103(a) over Farwell in view of U.S. Patent No. 6,236,727 (Ciacelli) and further in view of U.S. Patent No. 4,734,921 (Giangano). Applicants respectfully traverse this rejection.

While the Office Action purports to reject these claims under the combination of Farwell, Ciacelli and Giangano, nowhere does the Office Action provide any suggestion or motivation to modify Farwell with either Giangano or Ciacelli or somehow combine the teaching of Farwell with either of the other references. Accordingly a *prima facie* case of obviousness has not been established and claims 4, 11, 13-21 and 29-31 are patentable. MPEP §2142; 2143.

These claims are further patentable, as the Office Action appears to have engaged in the hindsight-based obviousness analysis that has been widely and soundly disfavored by the Federal Circuit. In order to prevent a hindsight-based obviousness analysis, the Federal Circuit requires that “to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.” *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1316-17 (Fed Cir. 2000). No such showing is present here.

With respect to these claims, the Office Action contains no factual support for the motivation, suggestion, or teaching of the manner in which Farwell must be modified in combination with Ciacelli or Giangano (and certainly not both) to render obvious these claims. The simple statement that the claims stand rejected under these references (Office Action, p. 3) does not set forth any legally proper motivation to combine. *See In re Lee*, 61 U.S.P.Q.2d 1430, 1435 (Fed. Cir. 2001).

Because the Office Action fails to adduce any factual findings that would support a motivation for, or suggestion of, the alchemy by which Farwell, Ciacelli and Giangano might be modified to yield the subject matter of claim 4 or claims 11, 13-21, and 29-31, a *prima facie* case of obviousness has not been made, and claims 4 and claims 11, 13-21, and 29-31 are patentable over the proposed combination.

Claim 4 is further patentable, as Farwell, Ciacelli or Giangano alone or in combination do not teach or suggest an encryption engine coupled to a digital graphics bus to encrypt digital processed video data before it is transmitted across a digital graphics bus. Farwell neither teaches nor suggests transmitting encrypted video signals, and certainly not across a digital graphics bus, also non-existent in Farwell. Nor does Giangano or Ciacelli add anything to Farwell in this regard. The system of Ciacelli is solely within a single housing, while the linear feedback shift register of Giangano is used for error coding and pseudorandom number generation, not encryption. Giangano, col. 1, lns. 12-15. Furthermore, the signals of Giangano are transmitted by an analog modem, not a digital graphics bus. Accordingly, claim 4 is patentable over the proposed combination.

With regard to amended independent claim 11, none of Farwell, Ciacelli or Giangano either alone or in combination, teach or suggest an encryption engine in a digital television receiver and a decryption engine in a digital television display, both of which are coupled to a digital graphics bus. Accordingly, for this further reason, claim 11 and claims 13-21 depending therefrom are patentable over the proposed combination.

Independent claim 29 is further patentable over Farwell in view of Ciacelli in further view of Giangano, as none of the references teach or suggest receiving a digital television signal with a receiver in a first housing, and transmitting encrypted video signals between the first housing a second housing including a display. Farwell nowhere teaches or suggests transmitting encrypted video signals between two housings. Nor does either Giangano or Ciacelli. In this regard, Giangano merely discloses a linear feedback shift, while Ciacelli discloses a content scrambling system that is internal to a computer system and therefore within a single housing. Accordingly, for at least these reasons, claim 29 and claims 30-31 depending therefrom are patentable over the proposed combination.

Claims 16-19 stand rejected under §103(a) over Farwell in view of Ciacelli in view of Giangano and further in view of U.S. Patent No. 5,784,427 (Bennett). Applicants respectfully

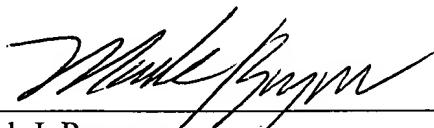
traverse the rejection. This is so, for at least the same reasons discussed above regarding claim 11 from which claims 16-19 depend, in addition to the utter lack of any motivation to combine these four references from disparate fields.

Claims 14 and 30 stand rejected under 35 U.S.C. §103(a) over Farwell in view of Ciacelli in view of Giangano, in view of Bennett, and further in view of U.S. Patent No. 6,005,940 (Kulinets). Applicants respectfully traverse the rejection, at least for the same reasons discussed above regarding claims 11 and 29, from which these claims depend, respectively. The rejection of these claims is further improper, as Kulinets does not teach or suggest changing encryption levels on frame boundaries. Instead, Kulinets only teaches that decryption keys may be different on different frames; there is no teaching or suggestion to change decryption levels on frame boundaries. Instead, the same encryption and decryption algorithms are used to process each frame. Thus there is no teaching or suggestion in Kulinets to change encryption levels on frame boundaries. Accordingly, for these further reasons, claims 14 and 30 are patentable.

New claims 32-35 are patentable, at least for the same reasons as the independent claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,



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